



## **CONSULATE GENERAL OF THE UNITED STATES OF AMERICA**

### **GENERAL INFORMATION FOR FIANCÉ(E)S OF U.S. CITIZENS**

Fiancé(e) visas are different from other nonimmigrant visas, such as tourist or business visas. Whereas applicants for nonimmigrant visas must demonstrate strong ties to Brazil and intend to return after a limited visit to the U.S., the U.S. government assumes that applicants for fiancé(e) visas intend to immigrate.

Congress has created the fiancé(e) visa to meet the difficulties U.S. Citizens encountered in obtaining visas for aliens they wished to marry. Section 101(a)(15)(K) of the Immigration and Nationality Act, as amended provides nonimmigrant visa classification 'K-1' for aliens proceeding to the U.S. to marry American Citizens. Accompanying minor children (unmarried, under 21yrs) of such fiancé(e)s may also be granted nonimmigrant classification 'K-2'.

Once the visa is granted, the fiancé(e) must enter the U.S. within the 180-day validity of the visa. The marriage must be concluded within 90(ninety) days of the fiancé(e)'s admission into the U.S. After your marriage, the couple must go to the Bureau of Citizenship and Immigration Services of the Department of Homeland Security (BCIS) closer to their residence to change the fiancé(e)'s visa status from temporary to permanent and issuance of the 'green card'. You must also contact the Social Security Service to apply for the Social Security Card with employment authorization.

Following the marriage, the alien fiancé(e)s and her/his minor children may apply to the BCIS to establish a record of entry for conditional permanent residence.

The minor children may accompany the parent to the U.S. or may apply for a visa to join the parent even after the parent has entered the U.S., been married, and obtained permanent residence, as long as the child's visa application is made within one year of the date the parent's fiancé(e) visa was issued.

#### **How to apply**

To establish K-1 visa classification for an intended alien spouse, an U.S. Citizen fiancé(e)s must file a petition (Form I-129F) with the BCIS office having jurisdiction over the place of the petitioner's residence in the U.S. Such petition may not be adjudicated by Consular Officers nor by offices of the BCIS abroad. If approved, the petition will be forwarded by BCIS in the United States to the U.S. Consular office where the alien fiancé(e)s will apply for her/his visa.

Both petitioner and beneficiary must be legally able and willing to conclude a valid marriage in the United States. The fiancé(e) must have met in person the United States citizen within two years prior to the filing of the visa petition. The minor child or children of a beneficiary derive 'K-2' status from the beneficiary. A separate petition for such a child or children are not required, but such child or children must be named in the appropriate space on the petition.

The BCIS fee for the fiancé(e) petition is US\$ 130.00. Supporting documents, proving the relationship between the U.S. Citizen and the alien fiancé(e)s are going to be requested by BCIS. In addition, forms G-325 are requested along with one picture of each person (applicant and beneficiary). The photographs should be colored with white background on glossy paper, not retouched or mounted. Photographs must be a 5x5 cm or 5X7 cm frontal portrait, with both ears visible. No head covering or glasses should be worn. Color Polaroid photos are acceptable.

Please check the DHS/BCIS website for further detailed information at: [www.dhs.gov](http://www.dhs.gov) or [www.bcis.gov](http://www.bcis.gov)

A petition is valid for 4(four) months from the date of approval by the BCIS. The Consular officer has the authority to extend the validity of the petitions for an additional 4(four) months.

Upon receipt of an approved petition, the U.S. Consular office will notify the beneficiary by mail and give her/him the necessary forms and instructions to apply for a "K" category visa. As soon as the processing of a case is completed, and the applicant has in her/his possession all the necessary documents, a consular officer will interview her/him to determine her/his eligibility for a "K" category nonimmigrant visa. If found eligible, the visa will be issued, valid for one entry during a period of 6 (six) months. A fee of US\$ 100.00 payable at Citibank will be required for each applicant.

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